

B13 20. The sanitary napkin according to claim 14, wherein each of said wing portions includes a liquid-permeable top sheet and a liquid-impermeable back sheet with said liquid-retentive wing portion absorbent core located therebetween.

Remarks

Claims 1, 2 and 4-20 are now present in the application. Claims 1, 2 and 4-10 have been amended, claim 3 has been cancelled and claims 11-20 have been added. Claims 1, 6 and 15 are independent. Reconsideration of this application, as amended, is respectfully requested.

Information Disclosure Statement

The Examiner has provided an initiated copy of the PTO-1449 attached to the Information Disclosure Statement dated July 25, 2000. However, the Examiner has not initialed the WO 9641602 reference, since no copy was provided. Applicant's records indicate that a copy was provided; however, a copy of this reference is attached hereto for the Examiner's consideration. It is respectfully requested that the Examiner initial next to the WO 9641602 reference on the PTO-1449 attached to the Information Disclosure Statement of July 25, 2000 and send the initialed copy with the next Office Communication.

Foreign Priority

The Examiner acknowledges the claim for priority under 35 U.S.C. § 119 and indicates that the certified copies of the priority documents have been "received in this National Stage application from the International Bureau." However, the present application is not a National Stage application and therefore the Examiner should not have received copies of the certified copies of the priority documents from the International Bureau. However, the certified copies of the priority documents were submitted with the filing of the present application on December 28, 1999. Accordingly, the Examiner should have received the certified copies of the priority documents. It is therefore respectfully requested that the Examiner indicate receipt of the certified copies from Applicants in the next Office Communication.

Drawing Objection

The drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) since reference character "3b" has been used to designate both left and right rear wing portions. This objection is respectfully traversed.

Referring to Fig. 1 of the present invention, reference numeral 3b identifies rear wing portions and therefore should be identified by the same reference numeral. Upon a review of the specification of the present application, reference numeral 3b has been referred to as "rear wing portions" except for the first occurrence which appears on page 3, lines 10-13 where it is indicated that the rear wing portions 3b are a pair of left and right rear wing portions 3b.

Referring to Fig. 1 again, reference numeral 3a has also been used to identify the front wing portions as opposed to the rear wing portions 3b.

In view of the above remarks, Applicants respectfully submit that the drawings are in conformance with 37 C.F.R. § 1.84(p)(4). Therefore, reconsideration and withdrawal of this objection are respectfully requested.

Specification Objection

The title of the invention has been objected to by the Examiner as not being descriptive. As the Examiner will note, the title has been amended to "SANITARY NAPKIN HAVING WING PORTIONS." Applicants have not amended the title as suggested by the Examiner, since all of the claims are not directed to a sanitary napkin having "rear end" wing portions. However, the Applicants believe that the title, as amended, is sufficiently descriptive. Accordingly, withdrawal of the title objection is respectfully requested.

The Examiner has also objected to the Abstract as not including parenthesis around the reference numerals. As the Examiner will note, the Abstract of the Disclosure has been amended to remove any reference numerals that appear therein. Accordingly, the specification objection regarding the Abstract has been overcome. Withdrawal of this objection is therefore respectfully requested.

Claim Objections

Claims 3 and 6 stand objected to for minor informalities. With regard to dependent claim 3, this claim has been cancelled and added to independent claim 1. Applicants have amended claim 1 in accordance with the Examiner's suggestion. However, with regard to independent claim 6, the Examiner has not pointed out the claim objection in the present case. Independent claim 6 has been amended in order to clarify this claim and place this claim into proper form for U.S. practice. If the Examiner still believes that claim 6 should be objected, it is respectfully requested that the Examiner point this out in the next Office Communication.

In view of the above amendments and remarks, Applicants respectfully submit that the claim objection has been overcome. Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112, first paragraph. Claims 2 and 6-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which Applicants regard as the invention. These rejections are respectfully traversed.

With regard to the rejection of claim 2 under 35 U.S.C. § 112, first paragraph, it is the Examiner's position that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with the claims. Specifically, it is Examiner's position

that the specification is enabling for the wing portion absorbent core being isolated from the body absorbent core, but does not reasonably provide enablement for the wing portion core being isolated with each other.

As the Examiner will note, dependent claim 2 has been amended to recite "said body absorbent core and said wing portion absorbent core are isolated from each other through an isolating member." Applicants believe that this amendment is sufficient to overcome the Examiner's rejection under 35 U.S.C. § 112, first paragraph. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to the Examiner's rejection under 35 U.S.C. § 112, second paragraph, Applicants have amended the claims, taking into consideration the specific deficiencies pointed out by the Examiner.

In view of the above amendments and remarks, Applicants respectfully submit that claim 2 and 6-10 are definite and clear. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph are respectfully requested.

Rejection Under 35 U.S.C. §§ 102 and 103

Claims 1-2 and 6-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Coles et al., USPN 5,868,725. Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles et al., as applied to claims 1-2 and 6-8, and further in view of Fung et al., USPN 5,423,786. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable Coles et al., as applied to claims 1-2 and 6-8. Claim 10 stands

rejected under 35 U.S.C. § 103(a) as being unpatentable over Coles et al., as applied to claims 1-2 and 6-8, and in further in view of Yamamoto, USPN 5,447,507. These rejections are respectfully traversed.

Independent claim 1 of the present invention has been amended to include the subject matter of dependent claim 3, which has been cancelled. Independent claim 1 is directed to a sanitary napkin, wherein a combination of elements are recited including "a liquid-retentive wing portion absorbent core, said wing portion absorbent core measuring 80 cm² or less in absorptive area after 1 minute after dropping 1 g of a physiological solution of sodium chloride." Furthermore, independent claim 6 of the present invention is directed to a sanitary napkin, wherein a combination of elements are recited including "said two sheet materials being bonded to each other with an adhesive agent over substantially an entirety thereof except for non-coated areas of a predetermined width formed on said wing portions along opposite side edges of said absorbent body."

The present invention according to independent claim 1 provides a sanitary napkin which is superior in leakage preventing performance, while the present invention according to independent claim 6 provides a sanitary napkin which is superior in leakage preventing performance and which is favorable in handling performance. Applicants respectfully submit that the references relied on by the Examiner are insufficient to teach the independent claims of the present invention.

With regard to independent claim 1, as mentioned above, independent claim 1 has been amended to include the subject matter of dependent claim 3. In view of this amendment, the rejection of claim 1 under 35 U.S.C. § 102 has been rendered moot.

However, the Examiner also rejected original dependent claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Coles et al. in view of Fung et al. As the Examiner acknowledges, Coles et al. do not teach or suggest that the wing portion absorbent core has 80 cm² or less in absorptive area after one minute of dropping 1 g of a physiological saline. The absorptive area is a measure of liquid diffusion or dispersibility. In the claimed sanitary napkin, the wing portion absorbent core has a low liquid diffusion, i.e., absorptive area of 80 cm² or less in order to prevent the body fluids from unduly diffusing over the rear wing portion and to prevent leakage. Please refer to page 6, last paragraph and page 8, lines 6-21 of the present specification. There is no disclosure or suggestion in Coles et al. in terms of reduced liquid diffusion of the rear wing portions. Thus, claim 1 is not obvious over Coles et al.

In addition, the claimed invention relates to a sanitary napkin, whereas Coles et al. relates to a disposable diaper. The rear wing portions of the claimed invention are located at the buttocks of the wearer in a worn state of the sanitary napkin, while the rear wing portions of Coles et al. are located at the waist of the wearer. Therefore, it is apparent that the rear wing portions of Coles et al. do not serve as an absorbent member, which is supported by the disclosure at column 6, line 62 to column 7, line 12 of Coles et al., wherein Coles et al. disclose that the cushioning member 33 is isolated from the absorbent core 3 such that liquids cannot enter into the cushioning member 33. In view of the above as well, claim 1 is not obvious over Coles et al.

With regard to the Examiner's reliance on the Fung et al. reference, Fung et al. disclose that the wing portions of the sanitary napkin are provided with embossing to

enhance fluid distribution. Accordingly, the teachings of Fung et al. would lead a skilled person in the art away from the claimed invention which requires that the absorbent core of reduced liquid diffusion is employed, as stated above. In addition, Applicants respectfully submit that it is not obvious to modify the rear wing portion of Coles et al. with the embossing of Fung et al. to enhance fluid distributions, since the rear wing portions of Coles et al. are not designed to have absorptivity. For these reasons, claim 1 is not obvious over Coles et al. in view of Fung et al.

With regard to page 6, paragraph five of the Examiner's Office Action, the Examiner indicates that it would be inherent that the embossed absorptive paper of Fung et al. would yield an absorptive area identical to the claimed invention since page 6 of the present specification indicates that embossed absorptive paper would provide the absorptive area as claimed. Applicants respectfully submit that the Examiner's position is misplaced. The mere fact that Fung et al. uses an embossed absorptive paper does not mean that the embossed absorptive paper of Fung et al. has an absorptive area of 80 cm² or less as required by independent claim 1 of the present invention. Independent claim 1 does not require that an embossed absorptive paper be used, but requires that the absorbent core measure 80 cm² or less in absorptive area. Accordingly, even if the modification by the Examiner were proper, a fact, which Applicants do not agree with, the references would still not arrive at the present invention.

With regard to independent claim 6 of the present invention, the Examiner relies on Figs. 9 and 11 of Coles et al. to teach this aspect of the present invention. Figs. 9 and 11 of Coles et al. are directed to a diaper and not a sanitary napkin as required by

independent claim 6. In addition, referring to Fig. 9 of Coles et al. a region 48 is located between the core 3 and the cushioning member 33. The region 48 is formed from an elongatable portion of the backsheet 26. Applicants respectfully submit that this structure is insufficient to teach independent claim 6 of the present invention for several reasons. First, there is only one layer of material at the portion 48 of Coles et al. Accordingly, it cannot be considered a portion of the wing portion which is formed by “laminating at least two sheet materials” as required by independent claim 6 of the present invention. Furthermore, it is required that the two sheet materials be bonded to each other with an adhesive agent over substantially an entirety thereof “except for non-coated areas of a predetermined width.” Since there is no non-coated area between the cushioning member 33 and the backsheet 26 in Fig. 9 of Coles et al., this embodiment of Coles et al. is insufficient to anticipate independent claim 6 of the present invention.

With regard to Fig. 11 of Coles et al., a similar structure to Fig. 9 is illustrated except that a separate section 47 forms the portion between the cushioning member 33 and the core 3. However, there is also only a single layer of material located between the cushioning member 33 and core 3 and therefore Fig. 11 of Coles et al. also fails to anticipate independent claim 6 of the present invention.

With regard to Fig. 10 of Coles et al., although there are multiple layers of material located at the portion 48, the layer 24 of material is not bonded to the layer 26 of material “with an adhesive agent over substantially an entirety thereof” as required by independent claim 6 of the present invention. Furthermore, the portions of the layers of materials 24 and 26 which are not bonded to each other are not located “along opposite

side edges of said absorbent body" as required by independent claim 6 of the present invention. Accordingly, Fig. 10 of Coles et al. also fails to anticipate independent claim 6 of the present invention.

With regard to dependent claims 2, 4, 5 and 7-11, Applicants respectfully submit that these claims are allowable due to their dependence upon allowable independent claims 1 and 6, as well as for the additional limitations recited by these claims.

With regard to the Examiner's reliance on the Fung et al. and Yamamoto references, Applicants respectfully submit that these references fail to teach "a liquid-retentive wing portion absorbent core measuring 80 cm² or less in absorptive area after 1 minute after dropping 1 g of a physiological solution of sodium chloride" and "two sheet materials being bonded to each other with an adhesive agent over substantially an entirety thereof except for non-coated areas of predetermined width formed on said wing portions along opposite side edges of said absorbent body" as required by independent claims 1 and 6 of the present invention, respectively. Accordingly, these references fail to make up for the deficiencies of Coles et al.

It should also be noted that the Examiner has not established a *prima facie* case of obviousness with regard to the rejection of claim 10 in view of the Coles et al. and Yamamoto references. The Examiner admits that Coles et al. fails to teach the elongate upper layer portion and lower layer portion recited in dependent claim 10 of the present invention and discusses the Yamamoto reference as teaching the elements of dependent claim 10 of the present invention. However, the Examiner has not provided any modification of the Coles et al. reference and has provided no motivation of why it would

be obvious to modify the Coles et al. reference by the Yamamoto reference. Accordingly, the Examiner's rejection of dependent claim 10 is improper and should be withdrawn.

In view of the above amendments and remarks, Applicants respectfully submit that claims 1, 2 and 4-10 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

Additional Claims

Additional claims 11-20 have been added for the Examiner's consideration. Applicants respectfully submit that dependent claims 11-14 are allowable due to their dependence upon allowable independent claims 1 and 6, as well as for the additional limitations recited by these claims.

With regard to independent claim 15 and dependent claims 16-20, Applicants respectfully submit that these claims are allowable since the references relied on by the Examiner fail to teach an absorbent article, wherein a combination of elements are recited including "a liquid-retentive wing portion absorbent core extending substantially an entire width of said absorbent article in partial overlapping relationship with said elongate absorbent body" as recited in independent claim 15.

Favorable consideration and allowance of additional claims 11-20 are respectfully requested.

Conclusion

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of **\$110.00** is attached hereto.

In the event there are any matters remaining in this application, the Examiner is invited to contact Paul C. Lewis, Registration No. 43,368 at (703) 205-8000 in the Washington, D.C. area.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made
A copy of reference WO 9641602

**VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE ABSTRACT OF THE DISCLOSURE**

The Abstract of the Disclosure has been amended as follows:

An absorbent article [1 comprising] includes an elongate absorbent body [2] and a pair of left and right rear wing portions disposed at longitudinal opposite left and right sides of the absorbent body [2] in a rear zone thereof[, wherein each]. Each of the rear wing portions [3b] includes a liquid-retentive wing absorbent core [32, and an]. Furthermore, an absorbent article [comprising] includes an elongate absorbent body [2] and a pair of left and right wing portions [3] disposed at longitudinal opposite left and right sides of the absorbent body [2, wherein each]. Each of the wing portions [3] is comprised of] includes a laminated sheet [3'] formed by laminating at least two sheet materials and the two [sheet] sheets of [materials] material are bonded to and along opposite side edges [2a] of the absorbent body 2 [through] with an adhesive agent [34 only excluding adhesive agent] except for non-coated linear areas of a predetermined width formed on the wing portions [3].

IN THE TITLE

The title has been amended as follows:

ABSORBENT ARTICLE SANITARY NAPKIN HAVING WING PORTIONS

IN THE SPECIFICATION

The paragraph beginning on page 1, line 13, has been amended as follows:

[A conventional] Conventional backwardly located wing portions are designed to prevent leakage in such a manner as to intercept body fluids which have overflowed from an absorbent core at a rear zone or which have exuded along a topsheet of the absorbent article. However, an absorbent article with [such] wing portions having [functions just mentioned] the above mentioned functions is not [good enough] sufficient in leakage preventing effect.

The paragraph beginning on page 1, line 18, has been amended as follows:

The conventional absorbent articles with a pair of left and right [wring] wing portions are packaged and sold in a condition such that the wing portions are folded towards a skin contacting surface side or a skin non-contacting surface side. However, it is not an easy job to fold the wing portions. Moreover, since a [folding habit] permanent ² fold is formed on the wing portions when they are taken out of packages, handling performance is inferior.

A paragraph has been added after the paragraph beginning on page 2, line 20.

A paragraph has been added before the paragraph beginning on page 2, line 22.

The paragraph beginning on page 3, line 16, has been amended as follows:

This will be described in more detail. The absorbent body 2 includes a liquid-retentive body absorbent core 21. The body absorbent core 21 and each wing portion absorbent core 32 are isolated from each other through an isolating member 4. That is, the body absorbent core 21 and each wing portion absorbent core 32 are designed such that they are not directly contacted with each other. By virtue of [a provision] the isolating member 4 between the body absorbent core 21 and each wing [isolating member 4] portion absorbent core 32, a large quantity of [fluids] fluid is prevented from being absorbed by the wing portion absorbent cores at a time and the absorptive force of the wing portion absorbent cores 32 is sustained in a favorable condition during use.

The paragraph beginning on page 9, line 17, has been amended as follows:

A sanitary napkin 1, as an absorbent article according to one embodiment of the second invention, has a pair of wing portions 3 each formed of a laminated sheet 3' by laminating at least two sheet materials as shown in FIGS. 4 to 6. The two sheet materials are bonded through an adhesive agent 34 [only excluding] except for linear [adhesive agent] non-coated areas 35 of a predetermined width formed on the wing portions 3 along opposite side edges 2a of the absorbent body 2.

The paragraph beginning on page 11, line 1, has been amended as follows:

In this embodiment, an adhesive agent 34 is applied to an entire surface of the absorptive sheet 32 [only excluding adhesive agent] except for linear non-coated areas 35, so that the antileakage sheet 31 and the absorptive sheet 32 are bonded together. The [adhesive agent] non-coated areas 35 are provided on the absorbent body 2 side in the

front wing portions 3a and the rear wing portions 3b. In this way, it is desirable, in view of operability, to provide [adhesive agent] non-coated areas at locations adjacent to the absorbent body 2. A distance t from a side edge 2a to the absorbent body 2 is preferably 0 to 40 mm and more preferably 0 to 20 mm. That is, in the case where there are provided an upper layer portion and a lower layer portion as in this embodiment, the side edge 2a of the absorbent body 2 may be located on the [adhesive agent] non-coated area 35.

The paragraph beginning on page 13, line 9, has been amended as follows:

With respect to the sanitary napkin of this embodiment, since the [adhesive agent] non-coated area 35 [is functioned] functions as a flexible axis, the wing portions can easily be folded when the napkin is wrapped up in a package. Moreover, handling performance is good in use. The wing portions 3 are easy to fold due to the function of the [adhesive agent] non-coated areas 35 and a [folding habit] permanent fold is not easily formed, either. Accordingly, it can be attached to the adjacent undergarment in a more stable manner, thus further enhancing slip preventing performance and absorbing performance.

IN THE CLAIMS

Claim 3 has been cancelled.

The claims have been amended as follows:

1. (Amended) [An absorbent article] A sanitary napkin comprising:
an elongate absorbent body; and
a pair of left and right [rear] wing portions disposed at longitudinal
opposite left and right sides of said absorbent body [in a rear zone thereof],
wherein each of said [rear] wing portions includes a liquid-retentive wing portion
absorbent core, said wing portion absorbent core measuring 80 cm² or less in absorptive
area after 1 minute after dropping 1 g of a physiological solution of sodium chloride.

2. (Amended) [An absorbent article] The sanitary napkin according to
claim 1, wherein said absorbent body includes a liquid-retentive body absorbent core, and
wherein said body absorbent core and said wing portion absorbent core are isolated
[with] from each other through an isolating member.

4. (Amended) [An absorbent article] The sanitary napkin according to
claim 1, wherein said wing portion absorbent core is comprised of an embossed
absorptive paper.

5. (Amended) [An absorbent article] The sanitary napkin according to claim 1, wherein said wing portion absorbent core [is] measures 20 to 500 g in buckling strength.

6. (Amended) [An absorbent article] A sanitary napkin comprising:
an elongate absorbent body; and
a pair of left and right wing portions disposed at longitudinal opposite left and right sides of said absorbent body,

wherein each of said wing portions is formed by laminating at least two sheet materials, [and] said two sheet materials [are] being bonded [through] to each other with an adhesive agent [only excluding adhesive agent] over substantially an entirety thereof except for non-coated areas of a predetermined width formed on said wing portions along opposite side edges of said absorbent body.

7. (Amended) [An absorbent article] The sanitary napkin according to claim 6, wherein said two sheet materials are an antileakage sheet and an absorptive sheet placed on said antileakage sheet.

8. (Amended) [An absorbent article] The sanitary napkin according to claim 7, wherein said absorptive sheet is provided on an upper surface side thereof with a liquid-permeable sheet in such a manner as to cover said absorptive sheet.

9. (Twice Amended) [An absorbent article] The sanitary napkin according to claim 6, wherein said wing portion comprises a pair of left and right front wing portions disposed at longitudinal opposite left and right sides of said absorbent body on [the] a side of a front zone thereof and a pair of left and right rear wing portions disposed at longitudinal opposite left and right sides of said absorbent body on [the] a side of a rear zone thereof.

10. (Amended) [An absorbent article] The sanitary napkin according to claim 9, wherein said absorbent article comprises an elongate upper layer portion comprised of a body absorbent core and a liquid-permeable topsheet disposed in such a manner as to cover upper and side surfaces of said body absorbent core; and a lower layer portion comprised of a liquid-impermeable antileakage sheet, a liquid-permeable sheet having a generally same configuration as said antileakage sheet and an absorptive sheet interposed between said liquid-impermeable antileakage sheet and said liquid-permeable sheet, said lower layer portion being enlarged in width dimension on [the] a side of the front zone and the rear zone,

said upper layer portion being placed on said liquid-permeable sheet of said lower layer portion such that [the] longitudinal opposite side portions of said lower layer portion, which are enlarged in width dimension, may extend from a longitudinal side edge of said upper layer portion, and,

said front and rear wing portions being formed [of said] extended portions of said lower layer portion.

Claims 11-20 have been added.